

GOVERNOR'S OFFICE

AUSTIN, TEXAS.

April 2, 1923.

Hon. S. L. Staples,
Secretary of State,
Austin, Texas.

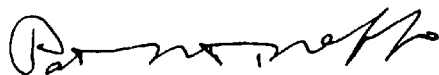
Dear Mr. Secretary:

S. B. #21, in effect entitles, as a matter of right, every prisoner who appeals from an order of a court denying the prisoner his liberty on writ of habeas corpus to be released upon appeal bond pending the appeal from such court order, except those charged with capital offenses in the same manner as defendants now are entitled to appeal bonds in felony cases, after conviction.

The writ of habeas corpus is an extraordinary remedy to be used only when defendant is unlawfully restrained. When a judge refuses to release a prisoner and remands him to custody, he thereby decides against the prisoner's contention and holds that the restraint is lawful. It ought not to be presumed that the judge wrongfully decided that the restraint is lawful. In many cases this bill, if enacted into law, would defeat the ends of justice. The defendant is not always entitled to his liberty pending an appeal to the extent contemplated by this bill. It would be an easy way of furnishing prisoners an easy opportunity to escape. Under the practical workings of this bill it would be difficult for other states to get out of Texas on requisition papers, fugitives from justice for the reason that these parties could easily give bond and delay the matter to such an extent that the officers could

not remain here long enough to fight it out through all the courts.
In short - this bill is but another effort to make it easy for criminals. It actually presumes that every time a judge remands a prisoner to custody, the judge is wrong and that the criminal is entitled to his freedom. The bill is accordingly hereby disapproved and vetoed and filed as provided by law, with you.

Respectfully,

A handwritten signature in dark ink, appearing to be "D. M. Neff", written in a cursive style.

Governor